

House Subcommittee on Telecommunications and the Internet

The Honorable Edward Markey, Chairman

December 5, 2007, 9:30 AM

Remarks of Dr. E. Faye Williams, Esq., National Chair

National Congress of Black Women

Chairman Markey, Chairman Dingell, and Members of the Committee on Energy and Commerce, thank you for inviting me to testify on behalf of the National Congress of Black Women, Inc. (NCBW), a civil rights organization dedicated to the educational, political, economic and cultural development of African American Women and their families.

As many of you know, the NCBW has taken a keen interest in media matters for over 15 years. I think I speak for much of the civil rights community in making three essential points.

First, America's media companies, over whom you exert considerable influence, need to display more responsibility, and refrain from disseminating degrading, misogynistic content in order to make a simple buck. Members are all too aware of the examples of media companies jumping at opportunities to produce movies, videos, music and other content that portray African Americans as debased caricatures. They hide behind the First Amendment, which is their right, but ignore the larger issue about assuming corporate responsibility to remove this poison from our airwaves.

Second, as both Chairman Dingell and Chairman Conyers have pointed out, the current FCC is broken. As a lawyer and former Congressional staff member, I know that administrative agencies require transparency and the meaningful participation of the public. The current FCC is being run in a high-handed, autocratic manner. I hope this committee will call on the FCC to cease all rulemaking until the Committee is able to complete a full-fledged investigation into recent abuses by the FCC – abuses cited by both Republican and Democratic commissioners on the FCC.

Third, the current FCC Chairman seems bent on pursuing a decidedly anti-diversity agenda that I hope this Committee will stop. Chairman Martin insists on a big reward for the media companies by relaxing cross-ownership rules. All the available data show that this drastically curtails diversity in local markets.

ClearChannel alone owns some 1,200 radio stations reaching 110 million listeners, and 42 TV stations in 27 markets. Mega-conglomerates like General Electric control NBC Universal and Universal Studios as well as 38 local broadcast stations; News Corp.'s holdings range from the Fox family of broadcast and cable channels to major newspapers such as the *Wall Street Journal* and the *New York Post* to major film production companies and publisher Harper Collins. These are, of course, but a small sampling, but a representative one nonetheless.

As a result, the minority-owned media company has become an endangered species: despite making up 34% of the U.S. population, racial and ethnic minorities own only 7.7% of radio stations and just over 3% – 3% – of television stations. Under Chairman Martin, the situation has worsened: last year alone, minority ownership among

TV stations dropped 8.5%; the number of Black-owned stations fell **80%**. Yet the Chairman continues to roll back cross-ownership rules.

This kind of special interest giveaway at the expense of the public interest is made all the more disturbing by the Chairman's efforts to disproportionately regulate the only medium on which Black-owned programmers have been able to gain any kind of foothold – cable television.

His ploy to arrogate imperial powers in the botched 70/70 proceeding – powers that he apparently felt he could use to promote this anti-diversity agenda – could have devastated both present and future minority-owned cable programmers but for the bold leadership of Commissioners Adelstein, Tate and McDowell.

A la carte pricing – a long-time pet project of the Chairman's – would kill minority programmers because they rely on the bundled tier for exposure and for their advertising revenue. Without this benefit, their costs would soar and their audience reach would dwindle.

The Chairman's various multicast must-carry proposals are a Christmas gift for broadcasters that will kill cable channel space that we believe could host future minority-owned networks. Commissioner Adelstein appropriately referred to the Chairman's must-carry leasing proposal as "media sharecropping."

And the Commission's recently-adopted leased access price cuts will not foster diversity in content and will by definition do nothing to increase minority ownership.

Mr. Martin continues to promote these policies as helping minorities. But, in a letter, thirteen major organizations, and virtually the entire civil rights community, have said that Chairman Martin's agenda would set back the cause of diversity. We've seen this play before: highhanded bureaucrats think they know what is best for our communities. Well, we'd invite him to come spend some time in our communities first.

I also hope that my friends in the consumer advocacy community will become more sensitive to our concerns as well, and not seek to enable Mr. Martin's power grabs; they are bad government and detrimental to diversity.

Once again, I thank you for the opportunity to appear before this Committee. I look forward to your questions.